

FILED
Clerk
District Court

OCT 19 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,)	Criminal No. 02-00010
)	
Plaintiff)	
)	
v.)	ORDER DENYING
)	STIPULATED REQUEST
BERT DOUGLAS MONTGOMERY,)	FOR CONTINUANCE
)	
Defendant)	
_____)	

Counsels' stipulated request to continue this matter for more than three months is denied. The court's order of September 29, 2006, remains in full force and effect:

IN ACCORDANCE with the September 20, 2006, mandate of the U.S. Court of Appeals for the Ninth Circuit, said mandate received by this court on September 28, 2006,

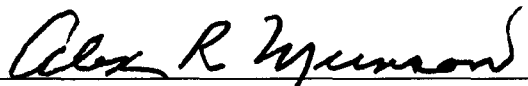
IT IS ORDERED that counsel for plaintiff and defendant shall submit written comments addressing any factors---not only within the advisory sentencing guidelines, but also those encompassed by the goals

1 and purposes of sentencing as reflected in 18 U.S.C. § 3553(a)---that
2 counsel believes warrants re-sentencing of this defendant. As stated in
3 the Ninth Circuit's opinion of August 29, 2009, this court "is asked to
4 consider whether non-Guidelines factors might have justified a sentence
5 different from the one imposed if, at the time of sentencing, the court's
6 discretion had not been constrained by the mandatory Guidelines."

7 Counsels' submissions must be received no later than 3:30 p.m.,
8 October 20, 2006. Although a hearing is not required, the court will
9 schedule a hearing if, after reviewing the submissions, it believes such a
10 hearing would be useful to its deliberations.

11 IT IS SO ORDERED.

12 DATED this 19th day of October, 2006.

13 
14 ALEX R. MUNSON
15 Judge
16
17
18
19
20
21
22
23
24
25
26